

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the final Office Action mailed June 28, 2005 (hereinafter referred to as the "Office Action").

Claims 1-5, 7-21 and 23-34 were pending. Claims 1-5, 7-21 and 23-26 were allowed. Objection was raised to claims 30 and 34. Claims 27-29 and 31-33 were rejected.

Applicant expresses appreciation to the Examiner for the indication of allowability of claims 1-5, 7-21 and 23-26; and for the indication of allowable subject matter in claims 30 and 34, should the claims be rewritten to include each independent claim and any intervening claims. Claims 1-5, 7-21, 23-27, 31 and 34 remain pending. Claims 28, 29, 32 and 33 have been canceled herein.

New claims 35 and 36 have been added herein. Support for new claims 35 and 36 can be found in at least line 11 of page 15 of the specification as filed.

Specification:

The specification has been amended as shown to explicitly state that the reinforcing structure, discussed on page 15 of the specification as filed, and shown in FIG. 5C as filed, can be formed from a variety of materials, including (in the example given in the specification as filed) steel. As originally stated in the specification, the reinforcing structure serves to "increase the load-bearing capacity of the support gasket."

Thus, as would readily occur to one having ordinary skill in the art, the reinforcing structure need only be formed of a material that is stronger, and/or stiffer, than the support gasket in order to perform this function. While it is believed that one skilled in the relevant art would,

upon presented with the specification as filed (e.g., the text of page 15 as filed and FIG. 5C as filed) readily grasp that the present inventors had possession of the presently claimed subject matter at the time the application was filed, the specification has been amended to more explicitly present these easily grasped concepts.

Claim Rejections - 35 U.S.C. § 112

Claims 29, 30, 33 and 34 were rejected under rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, it was held in the Office Action that the specification had not originally set forth the “reinforcing structure” as “formed of a different material than the lower support gasket,” nor that “reinforcing structure” was “formed of a metallic material.”

As stated in the Office Action, the specification as filed provided one example of a reinforcing structure material that includes a pair of substantially rectangularly-shaped steel tubes. In addition, FIG. 5C clearly shows reinforcing structure 50 that includes the tubes 51 shown embedded in or surrounded by the support gasket 26. Thus, at least FIG. 5C shows that the support structure (51) is formed of a material different than the support gasket (26). Otherwise, the example embodiment of the invention shown in FIG. 5C would be shown with the reinforcing structure and the support gasket being of the same material (e.g., the cross-hatching or shading would be the same). As this is clearly not the case (not to mention the fact that if the reinforcing structure were the same material as the support gasket then the reinforcing structure would not operate to increase the load-bearing capacity of the support gasket), then the

reinforcing structure and the support gasket must be formed of different materials. Accordingly, the claim limitation that the “reinforcing structure is formed of a different material than the lower support gasket” is clearly supported by the specification as filed (including the figures as filed).

In addition, as mentioned above, page 15 of the specification as filed indicates that the reinforcing structure functions to “increase a load-bearing capacity of the support gasket.”

Claims 30 and 34 include the limitation of the support gasket being formed of a “substantially compliant polymer and wherein the reinforcing structure is formed of a metallic material.” One skilled in the relevant art, knowing that the support gasket were formed of a polymer and that one example of a material of the reinforcing structure is tubular steel, would easily grasp that a suitable material for the reinforcing gasket would be a metallic material of a variety of types.

Accordingly, Applicant respectfully submits that the limitation of the reinforcing structure being formed of a metallic material finds support in the specification as filed.

Claim Rejections - 35 U.S.C. § 102

Claims 27, 28, 31 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pederson. Specifically, it was held that Pedersen discloses “reinforcing structure of the support [that is] the material itself within the support gasket.”

Claims 27 and 31 have been amended to include the limitation of “reinforcing structure disposed at least partially within the lower support gasket to increase a load-bearing capacity of the lower support gasket” and being “formed of a different material that the lower support gasket” (emphasis added). Applicant respectfully submits that, while Pederson discloses a system that utilizes a support gasket 19, it does not teach or suggest such a limitation. To the extent that it is maintained that Pederson includes “reinforcing structure of the support [that] is

the material itself within the support gasket,” Applicant submits that such a concept is not possible, as the reinforcing structure of the present invention “increase[s] a load-bearing capacity of the lower support gasket.” Obviously, reinforcing structure disposed within a support gasket and formed of the same material of the support gasket would not increase a load-bearing capacity of the support gasket. Thus, Applicant respectfully submits that claims 27 and 31 are not anticipated by Pederson.

In addition, claims 27-29 and 31-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by McCall.

Independent claims 27 and 31 have been amended to include the limitation of “reinforcing structure disposed at least partially within the lower support gasket to increase a load-bearing capacity of the lower support gasket” and being “formed of a different material that the lower support gasket” (emphasis added). McCall does not teach or suggest such a limitation, but only mentions that the pliant material used in McCall can be composed of “textile or cords impregnated with rubber.” Thus, McCall teaches a support gasket that can be formed of a composite, pliant material. In contrast, the presently claimed invention includes reinforcing structure that is formed of a different material than the support gasket. As discussed above with regard to the Pederson reference, if McCall included reinforcing structure formed of the same material as the support gasket (e.g., if the reinforcing structure were a composite material the same as the composite material of the gasket), the load-bearing capacity of the support gasket would not be increased. Accordingly, Applicant respectfully submits that claims 27 and 31 are not anticipated by McCall.

Conclusion

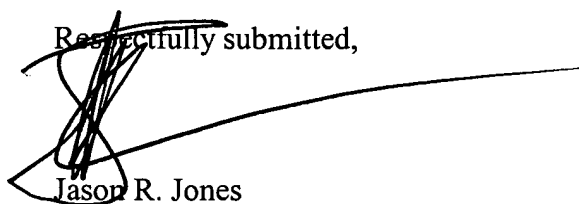
In light of the above, Applicant respectfully submits that pending claims 1-5, 7-21, 23-27, 31, 34, 35 and 36 are in condition for allowance and requests that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Response, the Examiner is strongly encouraged to call Jason R. Jones at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Two dependent claims, claims 35 and 36, have been added, while four dependent claims, claims 28, 29, 32 and 33 have been canceled. A one-month extension of time is required in which to timely file this response. A Request for Continued Examination is included herewith. Accordingly, the Commissioner is authorized to charge Deposit Account No. 20-0100 for amount of \$455 for a one-month extension of time and for the RCE fee.

The Commissioner is hereby authorized to charge any additional fee, or to credit any overpayment, in connection with this Response to Deposit Account No. 20-0100.

DATED this 28th day of October, 2005.

Respectfully submitted,



Jason R. Jones
Registration No. 51,008

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633